IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 30396 of 2007(R)

PETITIONER:

ADV. C.C.PRAKASH,
S/O C.J.CHACKO, 36 YEARS OF AGE,
RESIDING AT CHIRAKKAPADAVIL,
MEENPARA P.O., PUTHENCRUZ, ERNAKULAM.

BY ADV. SRI.MANUEL KACHIRAMATTAM

RESPONDENTS:

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1. THE BHARATH SANCHAR NIGAM LTD.,
REPRESENTED BY THE PRINCIPAL GENERAL MANAGER,
OFFICE OF THE PGM TD, ERNAKULAM-31.

2. THE SUB DIVISIONAL ENGINEER,
COMMERCIAL, THE BHARATH SANCHAR NIGAM LTD.,
KOLENCHERY.

BY ADV. SRI.K.KESAVANKUTTY, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 30396 OF 2007

Dated this the 29th day of October, 2007

J U D G M E N T

Petitioner had a Telephone allotted by the respondents and the same was disconnected on 24.8.2006. Petitioner did not pay the amount within the period permitted under Section 169 of the Telegraphic Rules. There was also no application for restoration. In the meanwhile, in response to an application made by a stranger, whom the petitioner now seeks to implead as additional 3rd respondent, the Telephone with the same number was allotted to him on 24.9.2007. In the meantime, petitioner also made an application for restoration of the connection on 21.8.2007 and he also cleared the arrears on 27.9.07. This writ petition has been filed praying to reconnect the Telephone with the old number that was allotted to him.

2. It is submitted on behalf of the respondents that in terms of Rule 169, the request made by the defaulter subscriber after disconnection of the Telephone has to be treated as application for a new connection. Respondents submit that though the telephone was disconnected on 24.8.06, his application for restoration of connection was made only on 21.8.2007. According to him, in the meanwhile the Telephone in question was allotted to a 3rd party. Though the respondents are willing to give a connection to the petitioner, the same number cannot be allotted to the him

in view of the fact that the said number has already been allotment of the 3rd party.

3. I see no merit in the contention raised by the petitioner. In view of Rule 169 of the Telegraphic Rules, the request made by the petitioner has to be treated as a request for new connection. If that be so, the allotment made to the 3rd party also cannot be faulted. Hence, the petitioner has to be satisfied with a new connection and with a new number. The prayer sought for by the petitioner to restore connection with the old number is hence devoid of merits and the writ petition is accordingly dismissed.

4. However, in view of the eligibility of the petitioner to get a new connection pursuant to the application and remittance that he has made, I direct that the new connection shall be given to the petitioner, as expeditiously as possible, at any rate, within four weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps